

# Newport Beach Police Department

## Use Of Force Report

- [Print](#) this incident.

**Incident Entered By:** Sergeant Joshua Comte - 1300  
**Assigned Investigator:** [Incident pending assignment]

### Incident Details

<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
10/24/2017	10/24/2017	19:01
<b>Record ID #</b>	<b>DR Number</b>	<b>Tracking Number</b>
3529	17-08796	UOF2017-116
<b>Date/Time Entered</b>		
11/8/2017 15:17		

### Incident Summary

Patrol officers responded to [REDACTED] reference a 273.5 (a) PC. The suspect was inside the residence and refused to exit. The NBPD SWAT team was activated and deployed to the location. After approx. 6 hours and repeated commands to exit the residence, the suspect still refused. A warrant was obtained and the SWAT team began breaching exterior windows. After a rear window was breached, the suspect came from an upstairs bedroom and exited the front door. The suspect exited the front door and gate that leads to the drive way where the SWAT team was positioned. The suspect was extremely agitated and confrontational with the SWAT team and was carrying an unknown silver object in his hand. The suspect ignored verbal commands to surrender and continued to advance on the SWAT team. Officers utilized the 40mm less than lethal rounds, a PSD K9, and a taser in order to effect an arrest.

Sgt. Thulin spoke with the suspect at the hospital regarding his injuries. I was on scene, observed the use of force, as well as reviewed all related reports and MVS video. Based on my findings, I believe that the use of force was within department policy.

### Incident Location

[REDACTED] Newport Beach, CA 92660 - Location of Occurrence: Orange County

### Use of Force Specific Information

<b>Reason for Use of Force</b>	<b>Service Being Rendered</b>	
Effect an Arrest	Call for Service	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear	Nighttime	7 feet to 10 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
Yes	Yes	Yes

#### More than 1 Citizen Involved

No

<b>Citizen's Build</b>	<b>Citizen's Height</b>
Medium	5'10" to 6'0"

#### Employee Assessment of Citizen Condition During Incident

Alcohol

<b>Employee(s) Injured</b>	<b>Employee(s) Taken to Hospital</b>
No	No

## Reporting/Involved Citizen Information

[REDACTED]  
[REDACTED] Race: White Ethnicity: [REDACTED] Gender: Male  
[REDACTED]  
[REDACTED]

### Role

- Arrestee

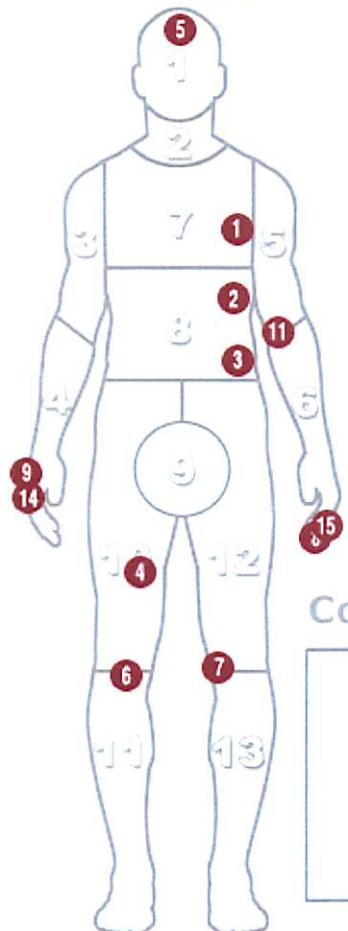
### Types of Resistance Citizen Used Against Employee(s)

- Disobeyed Lawful Order
- Assumed Fighting Stance

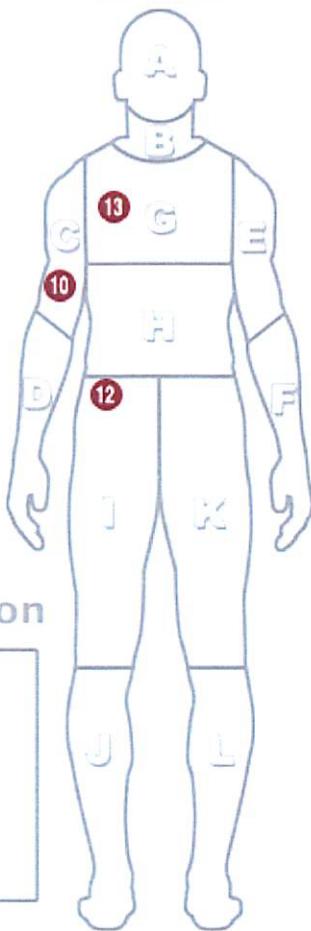
### Injuries sustained by this citizen

Injury	Regions	Injury Locations
Bruise	10, 7, 8	1, 2, 3, 4
Cut / Laceration	1, 11, 12, 4, 5, 6, C, I	5, 6, 7, 8, 9, 10, 11, 12
Taser Puncture	G	13
Broken	4, 6	14, 15

### FRONT



### BACK



### Condition



**Charges against this Citizen**

- Domestic Violence
- 148 / 69 PC
- Penal Code Violation

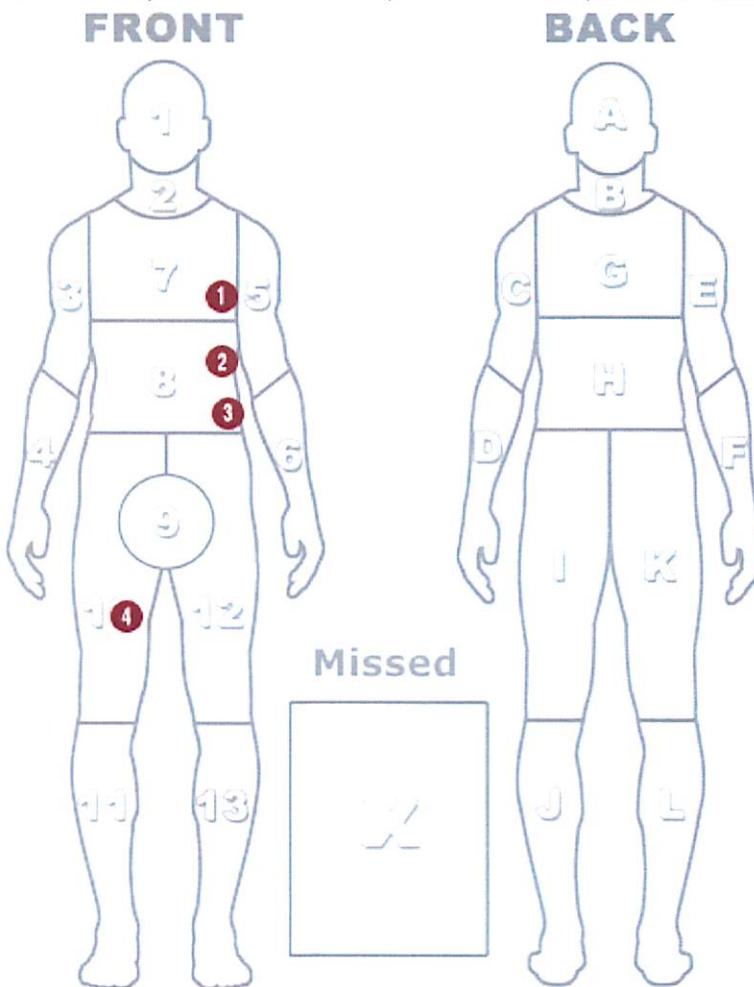
**Involved Employees****Police Officer Jonathan Jarema - Police ID Number: 1357****Role**

- 

**Force used by this employee against the citizen**

- Impact Munitions - Was force effective: No

Force Used	Effective?	Regions	Points of contact
Impact Munitions	No	10, 7, 8	1, 2, 3, 4

**Injuries sustained by this officer**

Injury	Regions	Injury Locations
No injuries noted or visible		

## Sergeant Joshua Vincelot - Police ID Number: 1415

### Role

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### Less Lethal Force used by this employee against the citizen

- EMDT (Taser) - Was Less Lethal Force Used Effective? Yes  
Serial # - x130012xw  
Cartridge # -

Was this a projectile/probe contact? Yes

# of air cartridges used - 1

Number of cycles through probes - 2

Number of probe hits - 2

Total number of probes deployed - 2

Did the probe(s) penetrate subjects skin? Yes

Was an additional cartridge deployed? No

Was a follow up drive stun conducted? No

Duration of cycles - Extended

Was this an accidental (unauthorized) discharge? No

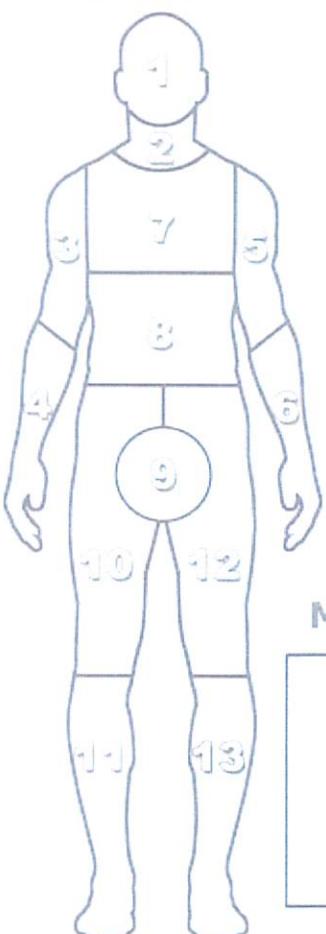
### Statistical Information

Was this an Arc display? No

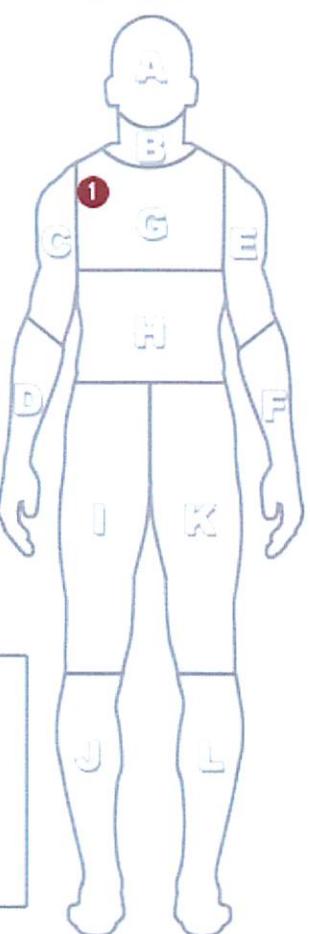
Was citizen painted with laser / red dot? No

Force Used	Effective?	Regions	Points of contact
EMDT (Taser)	Yes	G	1

**FRONT**



**BACK**



**Missed**



## Police Officer Todd Wilson - Police ID Number: 1447

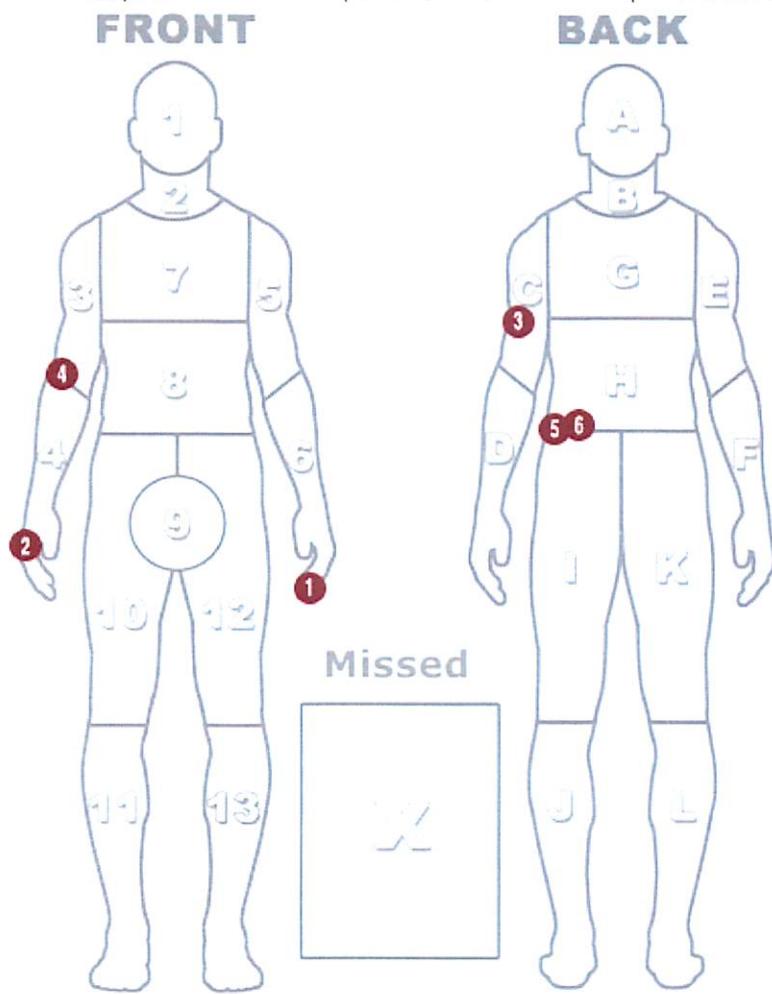
### Role

- 

### Force used by this employee against the citizen

- K9 Apprehension - Was force effective: No

Force Used	Effective?	Regions	Points of contact
K9 Apprehension	No	3, 4, 6, C, H, I	1, 2, 3, 4, 5, 6



## Employee Witnesses

### Sergeant Joshua Comte - Police ID Number: 1300

### Role

- 

### Police Officer Nathan Farris - Police ID Number: 1421

**Role**

• **Police Officer Mark Fasano - Police ID Number: 1456**

**Role**

• **Police Officer Michael Fletcher - Police ID Number: 1297**

**Role**

• **Detective Christopher Kimble - Police ID Number: 1299**

**Role**

• **Detective Dennis Maisano - Police ID Number: 1324**

**Role**

• **Police Officer Kyle Markwald - Police ID Number: 1406**

**Role**

• **Detective Kelley Maslin - Police ID Number: 1410**

**Role**

• **Police Officer Siavash Mesri - Police ID Number: 1391**

**Role**

• **Detective Jeffrey Perkins - Police ID Number: 1319**

**Role**

• **Detective Brian Schlottach - Police ID Number: 1318**

**Role**

## Attachments

Date Attached	Attachment Description	Attachment Type
11/8/2017	40mm injury photo	JPG
11/8/2017	40 mm injury photo 2	JPG
11/8/2017	laceration to forehead	JPG
11/8/2017	40mm injury to inner left leg	JPG
11/8/2017	laceration right knee	JPG
11/8/2017	laceration left knee	JPG
11/8/2017	laceration/ broken bone left pointer finger	JPG
11/8/2017	puncture/ laceration from k9 right hand	JPG
11/8/2017	laceration left arm from K9	JPG
11/8/2017	puncture wounds inner left elbow from K9	JPG

11/8/2017	laceration/ scratches from K9 lower left back	JPG
11/8/2017	taser puncture left upper back	JPG
11/8/2017	lacerations left hip from K9	JPG
11/8/2017	puncture wound right inner wrist/ hand from K9	JPG
11/8/2017	Report and Supplementals	pdf

## Chain of Command History

Sent Dt	From	To	CC	Approved
11/14/2017	Sergeant Joshua Comte	Lieutenant Tom Fischbacher	Deputy Chief Dennis Birch, Deputy Chief Jeff Brouwer, Lieutenant Joe Cartwright, Lieutenant Rachel Johnson, Chief Jon Lewis, Sergeant Tracy Mckenzie, Lieutenant Damon Psaros, Lieutenant Randy Querry, Lieutenant Steve Rasmussen, Deputy Chief Jay Short, Lieutenant Keith Krallman, Sergeant John Thulin	✓

**Sender's Instructions:** Use of Force from SWAT activation.

**Recipient's Comments/Response:** [Forwarded by Lieutenant Tom Fischbacher]

11/21/2017	Lieutenant Tom Fischbacher	Lieutenant Keith Krallman	(none)	✓
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**Sender's Instructions:** For DTI

**Recipient's Comments/Response:** [Forward Directly to PSU by Lieutenant Keith Krallman]

## Assigned Investigator Signature Line

[Incident pending assignment]

## Chain of Command Signature Lines

Lieutenant Tom Fischbacher

Lieutenant Keith Krallman